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August 9, 2005

Mail Stop Appeal Brief - Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Re: **Application No.:** 10/788,612
 Confirmation No.: 9216
 Art Unit: 2876
 Appellants: Jon Washington, et al.
 Title: ATM Currency Cassette With Self-Locking
 Media Directing Guide
 Docket No.: D-1214

Sir:

Please find enclosed the Appeal Brief of Appellants pursuant to 37 C.F.R. § 41.37 for filing in the above-referenced application.

Please charge the fee required with this filing (\$500) and any other fee due to Deposit Account 09-0428.

Very truly yours,

Ralph E. Jocke
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D-1214

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of)	
Jon Washington, et al.)	
)	
Application No.: 10/788,612)	Art Unit 2876
)	
Confirmation No.: 9216)	
)	
Filed: February 27, 2004)	Patent Examiner
)	Steve Paik
)	
Title: ATM Currency Cassette With Self-)	
Locking Media Directing Guide)	

Mail Stop Appeal Brief - Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

BRIEF OF APPELLANTS PURSUANT TO 37 C.F.R. § 41.37

Sir:

The Appellants hereby submit their Appeal Brief pursuant to 37 C.F.R. § 41.37
concerning the above-referenced Application. This Appeal Brief is in response to the Office
Actions dated April 5, 2005 and June 3, 2005.

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(i)

REAL PARTY IN INTEREST

The Assignee of all right, title and interest to the above-referenced Application is
Diebold, Incorporated, an Ohio corporation.

(ii) RELATED APPEALS AND INTERFERENCES

Appellants, Appellants' legal representative, and assignee believe that there are no related appeals or interferences pertaining to this matter.

(iii)

STATUS OF CLAIMS

Claims 1 and 45-65 are pending in the Application.

Claims rejected: 1 and 45-65

Claims allowed: none

Claims confirmed: none

Claims withdrawn: none

Claim objected to: none

Claims canceled: 2-44

Appellants appeal the rejections of claims 1 and 45-65, inclusive. These rejections were in the Office Action (“Action”) dated April 5, 2005, which was made Final.

(iv)

STATUS OF AMENDMENTS

A final rejection was made April 5, 2005. A Request for Reconsideration (without claim amendment) was filed May 2, 2005 in response to the final rejection. No claim amendments were requested to be admitted after the final rejection. The Advisory Action dated June 3, 2005 indicates that the Request for Reconsideration was considered and will be entered for purposes of appeal.

(v) SUMMARY OF CLAIMED SUBJECT MATTER

Concise explanations of exemplary forms of the claimed invention:

For reasons of brevity, claim language may be referred to herein in a shortened version. For example, language such as "at least one" may be simply referred to as "a". Any generalized statement herein is not to limit any of the mentioned claims in any manner. Please refer to the specific claim for the exact claim language.

With respect to independent claim 1

An exemplary form of the invention is directed to an apparatus. For example, note Figures 58-64 and Specification page 83, line 13 to page 87, line 21. The apparatus includes an automated banking machine cassette. The cassette (e.g., 500) (page 83, line 20) includes a movable partition (e.g., 502) (page 78, line 2; page 79, line 21) that can guide media (e.g., page 77, lines 5-7) to at least one media storage area (e.g., 506, 510) (page 77, lines 14-21; page 80, lines 1-2 and 8). The cassette (500) can either automatically lock or automatically unlock the movable partition (502) responsive to movement of the cassette relative to an automated banking machine (e.g., page 83, lines 14-15; page 87, lines 3-8). While in the machine, the cassette (500) is able to receive media guided therein by the partition (502) (e.g., page 77, lines 5-7).

With respect to independent claim 56

Another exemplary form of the invention is directed to a method. Location of support in the disclosure for similar claim language has previously been provided. The method includes providing an automated banking machine cassette. The cassette (e.g., 500) (e.g., page 83, line

20) includes a movable partition (e.g., 502) (page 78, line 2; page 79, line 21) that can guide media (e.g., page 77, lines 5-7) to at least one media storage area (e.g., 506, 510) (page 77, lines 14-21; page 80, lines 1-2 and 8). While in an automated banking machine the cassette (500) is able to receive media guided therein by the movable partition (502) (e.g., page 77, lines 5-7).

The method further includes performing at least one of (b1) and (b2). Where (b1) includes removing the cassette (500) from an automated banking machine, wherein such removing causes the movable partition to become automatically locked (e.g., page 83, lines 14-15; page 87, lines 3-8). Where (b2) includes inserting the cassette (500) into an automated banking machine, wherein the inserting causes the movable partition to become automatically unlocked (e.g., page 83, lines 14-15; page 87, lines 3-8).

With respect to independent claim 63

Another exemplary form of the invention is directed to a method. Location of support in the disclosure for similar claim language has previously been provided. The method includes automatically changing the locking status of a compartment guide (e.g., 502) (e.g., page 77, line 5; page 79, line 21; page 87, line 3) of an automated banking machine cassette (e.g., 500) responsive to movement of the cassette relative to an automated banking machine (e.g., page 83, lines 14-15; page 87, lines 3-8). The cassette (500) includes at least one media compartment (e.g., 506, 510) (page 77, lines 14-21; page 80, lines 1-2 and 8). The compartment guide (502) is operative to direct media to at least one media compartment (e.g., 506, 510). While in an automated banking machine the cassette is operative to receive media directed therein by the compartment guide (502). The compartment guide (502) is operative to be locked and unlocked.

(vi) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1 and 45-65 are unpatentable pursuant to 35 U.S.C. § 103(a) over Youn (US 6,592,118) in view of Shepherd, et al. (US 6,484,938) (hereinafter "Shepherd").

(vii)

ARGUMENT

The Applicable Legal Standards

Before a claim may be rejected on the basis of obviousness pursuant to 35 U.S.C. § 103, the Patent Office bears the burden of establishing that all the recited features of the claim are known in the prior art. This is known as *prima facie* obviousness. To establish *prima facie* obviousness, it must be shown that all the elements and relationships recited in the claim are known in the prior art. If the Office does not produce a *prima facie* case, then the Appellants are under no obligation to submit evidence of nonobviousness. MPEP § 2142.

The teaching, suggestion, or motivation to combine the features in prior art references must be clearly and particularly identified in such prior art to support a rejection on the basis of obviousness. It is not sufficient to offer a broad range of sources and make conclusory statements. *In re Dembiczak*, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

Even if all of the features recited in the claim are known in the prior art, it is still not proper to reject a claim on the basis of obviousness unless there is a specific teaching, suggestion, or motivation in the prior art to produce the claimed combination. *Panduit Corp. v. Denison Mfg. Co.*, 810 F.2d 1561, 1568, 1 USPQ2d 1593 (Fed. Cir. 1987). *In re Newell*, 891 F.2d 899, 901, 902, 13 USPQ2d 1248, 1250 (Fed. Cir. 1989).

Evidence of record must teach or suggest the recited features. An assertion of knowledge and common sense not based on any evidence in the record lacks substantial evidence support. *In re Zurko*, 258 F.3d 1379, 59 USPQ2d 1693 (Fed. Cir. 2001). Patentability determination must be based on evidence of record. *In re Lee*, 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002).

It is respectfully submitted that the Action requiring appeal does not meet these burdens.

**The Claims Are Not Obvious Over
Youn in view of Shepherd**

Claims 1 and 45-65 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Youn in view of Shepherd.

The (final) Action alleges that Youn teaches an automated banking machine cassette (Figure 3). The Action further alleges that the cassette includes a movable partition (push plate 4) to guide media (col. 4, lines 32-43) to a media storage area (interior space; col. 4, lines 31-33). The Action further alleges that the cassette can either automatically lock or automatically unlock the partition (col. 2, lines 29-35) responsive to movement of the cassette relative to an automated banking machine.

The Action admits that Youn does not teach or suggest a "cassette being operative to receive media guided thereinto [by] the partition while in an automated banking machine."

The Action relies upon Shepherd for allegedly replenishing a cassette with media in a self-service terminal (col. 1, lines 7-19). The Action then alleges that it would have been obvious to "further employ a method and an apparatus for replenishing media cassette in an ATM in addition to the media cassette of Youn due to the fact that a cost saving replenishment of the media cassette can be accomplished without substantially changing the existing ATM operating procedures".

Appellants traverse the rejections on the grounds that Appellants' claims recite features and relationships which are neither disclosed nor suggested in the prior art, and because there is no teaching, suggestion, or motivation cited so as to produce Appellants' recited invention. Nor

do the references teach or suggest the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed Cir. 1990). The features and relationships recited in Appellants' claims patentably distinguish over the applied references.

The rejections, which lack the necessary evidence and rationale, are based on knowledge gleaned only from Appellants' own novel disclosure. It follows that the rejections are based solely on hindsight reconstruction of Appellants' claimed invention, which is legally impermissible and does not constitute a valid basis for a finding of obviousness. *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992).

The Office has not established a *prima facie* showing of obviousness. Additionally, it would not have been obvious to one having ordinary skill in the art to have combined the references as alleged to have produced the recited invention. There is no teaching, suggestion, or motivation in the applied references to modify Youn in view of Shepherd to produce the recited invention. Even if it were somehow possible (which it isn't) to modify Youn with the teaching of Shepherd as alleged, the record still would not factually support a *prima facie* conclusion of obviousness. Thus, Appellants respectfully submit the rejections are improper and should be withdrawn.

Claim 1

The Action (at page 2, last paragraph) admits that Youn does not teach or suggest a cassette that can receive media guided thereinto by a partition (of the cassette) while the cassette is in an automated banking machine. Appellants agree that there is no evidence of record that Youn's cassette (2) can receive media while it is in an ATM, especially by using the push plate (4) (the alleged movable partition) to guide media into the cassette (2). However, Appellants

respectfully submit that Youn lacks more of the recited features and relationships than the Action actually admits. For example, where does Youn teach or suggest that the push plate (4) acts "to *guide media to* at least one media storage area" in the cassette? Conversely, Youn teaches that the push plate (4) is held back (away from the media) during loading of the media into the cassette (col. 1, lines 56-62; col. 2, lines 12-13; col. 5, lines 66-67; col. 6, lines 7-10). At best, Youn's push plate (4) is released (unlocked) to support media *after* the media was already loaded into the cassette. The only teaching of providing the recited movable partition is found in Appellants' own disclosure. Nor does Youn have any need or desire for the recited movable partition. *In re Mills*, supra. The rejection is based on hindsight reconstruction of Appellants' claimed invention, which is legally impermissible and does not constitute a valid basis for a finding of obviousness. *In re Fritch*, supra.

Appellants respectfully submit that Youn lacks even more of the recited features and relationships than the Action actually admits. For further example, where does Youn teach or suggest that the push plate (4) is either automatically locked or automatically unlocked responsive to *movement* of the cassette relative to the ATM? At best, Youn teaches that the push plate (4) is (manually) unlocked *after* (col. 6, line 14) the cassette (2) has been fully received into the ATM (col. 6, lines 11-18).

Shepherd cannot alleviate the admitted and additionally noted deficiencies of Youn as he does not teach or suggest the recited features which are not found in Youn. Shepherd is non-analogous art. The Office misinterprets Shepherd's terminal (10). The terminal (10) is not an ATM, as alleged in the Action. Conversely, Shepherd specifically teaches that the terminal (10) is a replenishment terminal and that it is different from an ATM (e.g., apparatus claim 1; method

claim 14; col. 1, lines 58-64; col. 5, lines 37-40). Shepherd also teaches that cassette replenishing requires the cassette (34) to be located *outside* of an ATM. That is, Shepherd, contrary to the Action's allegation, does not teach or suggest replenishing the cassette (34) in an ATM. Shepherd's cassette replenishing terminal (10) (instead of being an ATM, as alleged) even requires use by an "*authorized operator*" (col. 4, lines 66-67; col. 5, lines 39-40) rather than a normal ATM customer. That is, Shepherd further distinguishes the terminal (10) from an ATM.

Furthermore, the pusher plate (81) of Shepherd's cassette (34) is like Youn's push plate (4) (previously discussed). That is, Shepherd's pusher plate (81) is held back (away from the media) during loading of media into the cassette (34) (col. 5, lines 50-51). The pusher plate (81) (like Youn's push plate 4) cannot constitute the recited movable partition (of a cassette). Thus, Shepherd's cassette (34) (like Youn's cassette 2) is a far cry from the recited cassette.

As previously discussed, the Action admits that Youn does not teach or suggest a cassette that can receive media while it is *in* an ATM, especially media guided therein by a movable partition (of the cassette). As previously discussed, Shepherd does not teach or suggest this admitted deficiency in Youn. That is, Shepherd (like Youn) does not teach or suggest a cassette that, *while in* an ATM, can receive media. Thus, the Office has not established a *prima facie* case of obviousness. Nor would it have been obvious "to further employ a method and an apparatus for replenishing [a] media cassette *in* an ATM", as alleged in the Action.

As previously discussed, Shepherd (like Youn) also does not teach or suggest a cassette that, while in the ATM, can receive media guided therein by a *movable partition* (of the cassette). Appellants have also shown that the references, taken alone or in combination, further

do not teach or suggest the recited movable partition (of the recited cassette). Again, the Office has not established a *prima facie* case of obviousness.

As previously discussed, there is no teaching or suggestion in Youn of the push plate (4) (the alleged movable partition) being either automatically locked or automatically unlocked responsive to *movement* of the cassette relative to the ATM. Shepherd likewise does not teach or suggest that the pusher plate (81) is either automatically locked or automatically unlocked responsive to movement of the cassette (34) relative to an ATM. Therefore, neither Youn's push plate (4) nor Shepherd's pusher plate (81), even if combined, can constitute the recited movable partition. Thus, Appellants have shown that the references, taken alone or in combination, further do not teach or suggest the recited movable invention. Again, the Office has not established a *prima facie* case of obviousness.

The record lacks substantial evidence support for the rejection. *In re Zurko*, supra. *In re Lee*, supra. It follows that the references, taken alone or in combination, cannot teach or suggest the recited features and relationships. It further follows that the Office has not established a *prima facie* case of obviousness.

It would not have been obvious to one having ordinary skill in the art to have modified Youn with the teaching of Shepherd as alleged to have produced the recited invention. Even if it were somehow possible (which it isn't) to have modified the Youn with Shepherd as alleged, the result still would not have produced the recited invention.

Appellants respectfully submit that they have provided sufficient reasons to refute the Office's allegation of *prima facie* obviousness. Thus, Appellants further respectfully submit that the rejection of claim 1 is improper and should be withdrawn.

Comments on the Advisory Action

In the Advisory Action dated June 3, 2005 the Office did not directly respond to Appellants' arguments presented in the Response filed May 2, 2005. Instead the Office asserted that the references "appears to be still teaching or fairly suggesting the claimed invention".

The burden of establishing a *prima facie* case of obviousness resides with the Office, not the Appellants. The Action has not met the basic criteria for establishing a *prima facie* case of obviousness. If the Office does not produce a *prima facie* case of obviousness (which is the current situation), then the Appellants are under no obligation to submit evidence of nonobviousness (MPEP § 2142).

Claim 45

Claim 45 depends from claim 1. As previously discussed, the references, taken alone or in combination, do not teach or suggest the recited cassette, the recited movable partition (of the cassette), nor the recited ability to automatically lock/unlock. Nor do the references teach or suggest locking a movable partition (of a cassette) in a media directing position. It follows that the references cannot teach or suggest a cassette with a partition lock arrangement that is operative to automatically lock the partition in a media directing position. Thus, Youn's latching pin (24) (the alleged partition lock arrangement) does not constitute the recited partition lock arrangement. The Office has not established a *prima facie* case of obviousness.

Claim 46

Claim 46 depends from claim 45/1. The combined references further do not teach or suggest a cassette having a partition lock arrangement that can *automatically lock* the partition *during removal* of the cassette from an automated banking machine. Youn's push plate (4) is

manually moved to a loading position and then manually locked (col. 1, lines 56-62; col. 2, lines 12-13; col. 5, lines 66-67; col. 6, lines 7-10). The locking occurs *after* the cassette was already removed from an ATM. Nor is the locking automatic. Shepherd's pusher plate (81) is manually moved in a similar manner. Therefore, neither Youn nor Shepherd, even if combined, teach or suggest the recited partition lock arrangement. The Office has not established a *prima facie* case of obviousness.

Claim 47

Claim 47 depends from claim 46/45/1. The combined references further do not teach or suggest a cassette having a partition lock arrangement that can automatically unlock the partition during *insertion* of the cassette into an automated banking machine. There is no evidence that *during insertion* of Youn's cassette (2) into an ATM the push plate (4) becomes automatically unlocked. As previously discussed, there isn't even any teaching or suggestion in Youn of the push plate (4) (the alleged movable partition) being automatically unlocked responsive to *movement* (claim 1) of the cassette relative to the ATM. At best, Youn teaches that the push plate (4) is (manually) unlocked *after* (col. 6, line 14) the cassette (2) has been fully inserted into the ATM (col. 6, lines 11-18). Shepherd likewise does not teach or suggest that the pusher plate (81) is automatically unlocked *during insertion*. The Office has not established a *prima facie* case of obviousness.

Claim 48

Claim 48 depends from claim 47/46/45/1. As previously discussed, Youn does not teach or suggest cassette engagement with an ATM component *during insertion* of the cassette (2) into the ATM, especially to automatically unlock the push plate (4) (the alleged movable partition).

Youn's push plate (4) is unlocked *after* (col. 6, line 14) the cassette (2) has already been fully inserted into the ATM (col. 6, lines 11-18). Also, it is unclear how Youn's latching pin (24) (the alleged partition lock arrangement in claim 45) can include Youn's button (34) (the alleged movable projection button), as alleged. Youn's latching pin (24) and button (34) are distinct components. The Office has not established a *prima facie* case of obviousness.

Claim 49

Claim 49 depends from claim 48/47/46/45/1. For reasons already discussed, the combined references further do not teach or suggest that movement of a cassette button in a (locking) direction opposite the first (unlocking) direction is operative to lock a cassette partition. Again, the Office has not established a *prima facie* case of obviousness.

Claim 50

Claim 50 depends from claim 48/47/46/45/1. Youn does not teach or suggest the recited partition lock arrangement including a torsion spring and a lock arm. For example, Youn does not teach or suggest a lock arm that is operatively movable *with* a projection button, especially when engagement moves the button in a first direction and the button movement is operative to unlock the partition (claim 48). Youn's latching pin (24) (the alleged lock arm) is fixed and is not capable of moving with the alleged button (34) in the manner recited. Also, it is unclear how Youn's latching pin (24) (the alleged partition lock arrangement in claim 45) can include *each* of: the alleged torsion spring (38), the latching pin (24) (the alleged lock arm), and the button (34) (the alleged movable projection button in claim 48). The Office can't use a sole component to encompass distinct components in Youn. The Office has not established A *prima facie* case of obviousness.

Claim 51

Claim 51 depends from claim 50/48/47/46/45/1. As evidenced by Youn's Figure 3, the relied upon latching pin (24) (the alleged lock arm) does not have an engagement hook. It follows that the Office has not established a *prima facie* case of obviousness.

Claim 52

Claim 52 depends from claim 50/48/47/46/45/1. Youn's hook member (36) (the alleged partition drive lever) is not located at a side of the cassette (2) but rather at the rear of the cassette (e.g., col. 6, lines 7-10). Also, it is unclear how the alleged partition drive lever (36) correspondingly moves the push plate (4) (the alleged movable partition) when the push plate (4) is moved by hand (col. 1, lines 56-62; col. 2, lines 12-13; col. 5, lines 66-67; col. 6, lines 7-10). The Office has not established a *prima facie* case of obviousness.

Claim 53

Claim 53 depends from claim 52/50/48/47/46/45/1. Claim 53 recites that the partition drive lever is located at a first side of the cassette (claim 52) and the partition lock arrangement is located at a second opposite side of the cassette. The Action alleges that Youn's hook member (36) (the alleged partition drive lever) is located outside (a first side) of the cassette (2). The Action further alleges that Youn's latching pin (24) (the alleged partition lock arrangement in claim 45) is located inside (a second opposite side) of the cassette.

The Appellants respectfully submit that the Office misinterprets the Youn reference. Even Youn recognizes the sides of his cassette (e.g., col. 4, line 61; col. 5, lines 40 and 44). Youn also recognizes the rear portion of his cassette (e.g., col. 6, lines 7-10). Youn's latching pin (24) (the alleged partition lock arrangement) is *not* located at a side of the cassette but rather is

attached to the push plate (4) (which is movable between the rear and front portions of the cassette). Also, where does Youn teach or suggest that the hook member (36) (the alleged partition drive lever) is located outside of the cassette (2), as alleged? The Office has not established a *prima facie* case of obviousness.

Claim 54

Claim 54 depends from claim 53/52/50/48/47/46/45/1. For reasons already discussed, the combined references further do not teach or suggest a torsion spring operatively connected to a partition drive lever in the manner recited. A *prima facie* case of obviousness is not established.

Claim 55

Claim 55 depends from claim 54/53/52/50/48/47/46/45/1. The alleged torsion spring (38) in Youn does not bias the push plate (4) (the alleged movable partition), especially toward a media directing position. The relied upon col. 5, lines 5-17 section of Youn merely indicates that the return spring (38) is for urging the hook member (36) to its original position. The Office has not established a *prima facie* case of obviousness.

Claim 56

For reasons of brevity, Appellants' previous remarks regarding the patentability of claim 1 (and claims depending thereon) are incorporated herein by reference. For reasons previously discussed, the references, taken alone or in combination, do not teach or suggest the recited method.

For example, the references, taken alone or in combination, do not teach or suggest a cassette that, while *in* an automated banking machine, is operative to receive media thereinto, especially media *guided* thereinto by a movable partition (of the cassette). As previously

discussed, even the Action admits that Youn does not teach or suggest a cassette that can receive media while it is *in* an ATM, especially media guided therein by a movable partition (of the cassette). Therefore, neither Youn's cassette (2) nor Shepherd's cassette (34), even if combined, can constitute the recited cassette. Also, neither Youn's push plate (4) nor Shepherd's pusher plate (81), even if combined, can constitute the recited movable partition.

For further example, the references, taken alone or in combination, also do not teach or suggest that removing/inserting a cassette causes a movable partition (of the cassette) to become automatically locked/unlocked. As previously discussed, there is no teaching or suggestion that removing/inserting Youn's cassette (2) from/into an ATM causes the push plate (4) (the alleged movable partition) to be automatically locked/unlocked. At best, Youn teaches that the push plate (4) is (manually) unlocked *after* (col. 6, line 14) the cassette (2) has been fully inserted into the ATM (col. 6, lines 11-18). There is no evidence that *inserting* the cassette (2) causes the push plate (4) to become automatically unlocked. Likewise, Shepherd does not teach or suggest that removing/inserting the cassette (34) from/into an ATM causes the pusher plate (81) to be automatically locked/unlocked. Therefore, neither Youn's push plate (4) nor Shepherd's pusher plate (81), even if combined, can constitute the recited movable partition.

Again, the references, taken alone or in combination, do not teach or suggest the recited invention. The Office has not established a *prima facie* case of obviousness. It would not have been obvious to one having ordinary skill in the art to have modified Youn with the teaching of Shepherd as alleged to have produced the recited invention.

Claim 57

Claim 57 depends from claim 56. The relied upon Abstract of Youn does not teach or suggest inserting a cassette into an automated banking machine causing a movable partition (of the cassette) to become automatically unlocked, then removing the cassette from the machine causing the movable partition to become automatically locked, as alleged. For reasons already discussed, the combined references does not teach or suggest the recited method. The Office has not established a *prima facie* case of obviousness.

Claim 58

Claim 58 depends from claim 57/56. As previously discussed (claim 45 remarks), the combined references do not teach or suggest a cassette including a partition lock arrangement operative to lock a movable partition (of the cassette) in a media directing position. Youn's latching pin (24) (the alleged partition lock arrangement) does not constitute the recited partition lock arrangement. For reasons already discussed (claim 46 remarks), the combined references further do not teach or suggest that removing a cassette from an automated banking machine causes a movable partition (of the cassette) to become automatically locked in a media directing position. The Office has not established a *prima facie* case of obviousness.

Claim 59

Claim 59 depends from claim 58/57/56. For reasons already discussed (claim 47 remarks), the combined references further do not teach or suggest inserting a cassette into an automated banking machine to cause automatic unlocking of a movable partition (of the cassette) from a media directing position. At best, Youn teaches that the push plate (4) is (manually)

unlocked *after* (col. 6, line 14) the cassette (2) has been fully inserted into the ATM (col. 6, lines 11-18). The Office has not established a *prima facie* case of obviousness.

Claim 60

Claim 60 depends from claim 59/58/57/56. For reasons already discussed (claim 48 remarks), the combined references further do not teach or suggest inserting a cassette into an automated banking machine to engagingly move a movable projection button in an unlocking direction to cause a movable partition (of the cassette) to become automatically unlocked. The Office has not established a *prima facie* case of obviousness.

Claim 61

Claim 61 depends from claim 60/59/58/57/56. For reasons already discussed (claim 52 remarks), the combined references further do not teach or suggest moving a movable partition (of the cassette) responsive to movement of a partition drive lever located at a first side of the cassette. The Office has not established a *prima facie* case of obviousness.

Claim 62

Claim 62 depends from claim 61/60/59/58/57/56. For reasons already discussed (claim 53 remarks), the combined references do not teach or suggest that a partition drive lever is located at a first side of a cassette (claim 61) and a partition lock arrangement is located at a second opposite side of the cassette. For reasons already discussed (claim 50 remarks), the combined references further do not teach or suggest a torsion spring connected to a movable partition (of the cassette). For reasons already discussed (claim 55 remarks), the combined references additionally do not teach or suggest biasing the movable partition (of the cassette)

toward a media directing position via the torsion spring. Again, the Office has not established a *prima facie* case of obviousness.

Claim 63

For reasons of brevity, Appellants' previous remarks regarding the patentability of claims 1 and 56 (and claims depending thereon) are incorporated herein by reference. For reasons previously discussed, the references, taken alone or in combination, do not teach or suggest the recited method.

For example, the references, taken alone or in combination, do not teach or suggest automatically changing the locking status of a compartment guide (that is operative to be locked and unlocked) of an automated banking machine cassette responsive to *movement* of the cassette relative to an automated banking machine. As previously discussed, there is no teaching or suggestion that moving Youn's cassette (2) relative to the ATM causes a locking status of the push plate (4) (the alleged compartment guide) to be automatically changed. At best, Youn teaches that the push plate (4) is (manually) unlocked *after* (col. 6, line 14) the cassette (2) has been fully moved into the ATM (col. 6, lines 11-18). There is no evidence that *movement* of the cassette (2) causes an automatic unlocking (or locking) of the push plate (4), as alleged. Likewise, Shepherd does not teach or suggest that moving the cassette (34) relative to an ATM causes a locking status of the pusher plate (81) to be automatically changed. Therefore, neither Youn's push plate (4) nor Shepherd's pusher plate (81), even if combined, can constitute the recited cassette compartment guide.

As previously discussed, the references, taken alone or in combination, also do not teach or suggest a cassette having a compartment guide that is further operative to direct media to at

least one media compartment of the cassette, especially where the cassette, while in an automated banking machine, is operative to receive media directed thereinto by the guide. As previously discussed, even the Action admits that Youn does not teach or suggest a cassette that can receive media while it is *in* an ATM, especially media guided thereinto by a compartment guide (of the cassette). Therefore, neither Youn's cassette (2) nor Shepherd's cassette (34), even if combined, can constitute the recited cassette. Also, neither Youn's push plate (4) nor Shepherd's pusher plate (81), even if combined, can constitute the recited cassette compartment guide.

Again, the references, taken alone or in combination, do not teach or suggest the recited invention. The Office has not established a *prima facie* case of obviousness. It would not have been obvious to one having ordinary skill in the art to have modified Youn with the teaching of Shepherd as alleged to have produced the recited invention.

Claim 64

Claim 64 depends from claim 63. For reasons already discussed (claim 56 remarks), the combined references further do not teach or suggest automatically changing the locking status of a cassette compartment guide *during* one of removal or insertion of the cassette relative to an automated banking machine, especially where the compartment guide is both automatically placed in a locked condition *during* removal of the cassette from an automated banking machine *and* automatically placed in an unlocked condition *during* insertion of the cassette into an automated banking machine. The Office has not established a *prima facie* case of obviousness.

Claim 65

Claim 65 depends from claim 64/63. For reasons already discussed (claim 57 remarks), the combined references further do not teach or suggest that subsequent to automatically

changing the locking status of a cassette compartment guide during one of removal/insertion of the cassette (claim 64), automatically changing the locking status of the compartment guide during the other of removal/insertion of the cassette. Again, the Office has not established a *prima facie* case of obviousness.

CONCLUSION

Each of Appellants' pending claims specifically recites features and relationships that are neither disclosed nor suggested in any of the applied prior art. Furthermore, the applied prior art is devoid of any teaching, suggestion, or motivation for combining features of the applied prior art so as to produce the recited invention. For these reasons it is respectfully submitted that all the pending claims are allowable.

Respectfully submitted,



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(viii)

CLAIMS APPENDIX

1. An apparatus comprising:

an automated banking machine cassette, wherein the cassette includes at least one media storage area, wherein the cassette includes a movable partition operative to guide media to at least one media storage area, wherein the cassette, while in an automated banking machine, is operative to receive media guided thereinto by the partition, and wherein the cassette is operative to either automatically lock or automatically unlock the partition responsive to movement of the cassette relative to an automated banking machine.

45. The apparatus according to claim 1 wherein the cassette includes a partition lock arrangement, wherein the partition lock arrangement is operative to automatically lock the partition in a media directing position.
46. The apparatus according to claim 45 wherein the partition lock arrangement is operative to automatically lock the partition during removal of the cassette from an automated banking machine.
47. The apparatus according to claim 46 wherein the partition lock arrangement is operative to automatically unlock the partition during insertion of the cassette into an automated banking machine.

48. The apparatus according to claim 47 wherein the partition lock arrangement includes a movable projection button, wherein the button is operative to engage a component of an automated banking machine, wherein the engagement is operative to move the button in a first direction, and wherein movement of the button in the first direction is operative to unlock the partition.
49. The apparatus according to claim 48 wherein movement of the button in a direction opposite the first direction is operative to lock the partition.
50. The apparatus according to claim 48 wherein the partition lock arrangement includes a torsion spring and a lock arm, wherein the torsion spring is connected to the partition, wherein the lock arm is operatively movable with the projection button, wherein the torsion spring and a lock arm are engageable to lock the partition.
51. The apparatus according to claim 50 wherein the torsion spring includes an engagement hook, wherein the lock arm includes an engagement hook, and wherein the hooks are operative to be placed in locking engagement to lock the partition.
52. The apparatus according to claim 50 wherein the cassette includes a partition drive lever located at a first side of the cassette, wherein movement of the lever is operative to correspondingly move the partition.
53. The apparatus according to claim 52 wherein the partition lock arrangement is located at a second side of the cassette, wherein the second side is opposite the first side.

54. The apparatus according to claim 53 wherein the torsion spring is operatively connected to the lever.
55. The apparatus according to claim 54 wherein the torsion spring biases the partition toward a media directing position.
56. A method including:
- (a) providing an automated banking machine cassette, wherein the cassette includes at least one media storage area, and wherein the cassette includes a movable partition operative to guide media to at least one media storage area, wherein the cassette, while in an automated banking machine, is operative to receive media guided thereinto by the partition;
 - (b) performing at least one of
 - (b1) removing the cassette from an automated banking machine, wherein the removing causes the partition to become automatically locked;
 - (b2) inserting the cassette into an automated banking machine, wherein the inserting causes the partition to become automatically unlocked.

57. The method according to claim 56 and further including performing both (b1) and (b2), wherein (b1) is subsequent to (b2), and wherein (b1) and (b2) comprise the same automated banking machine.
58. The method according to claim 57 wherein the cassette includes a partition lock arrangement operative to lock the partition in a media directing position, wherein (b1) includes automatically locking the partition in a media directing position.
59. The method according to claim 58 wherein (b2) includes automatically unlocking the partition from a media directing position.
60. The method according to claim 59 wherein the partition lock arrangement includes a movable projection button, wherein the button is operative to engage a component of the automated banking machine, wherein the engagement is operative to move the button in a first direction, and wherein movement of the button in the first direction is operative to unlock the partition, and wherein (b2) includes engagingly moving the button in the first direction.
61. The method according to claim 60 wherein the cassette includes a partition drive lever located at a first side of the cassette, wherein movement of the lever is operative to correspondingly move the partition, and further including
- (c) moving the partition responsive to movement of the lever.

62. The method according to claim 61 wherein the partition lock arrangement is located at a second side of the cassette, wherein the second side is opposite the first side, wherein the partition lock arrangement includes a torsion spring, wherein the torsion spring is connected to the partition, and further including
- (d) biasing the partition toward a media directing position via the torsion spring.
63. A method including:
- (a) automatically changing the locking status of a compartment guide of an automated banking machine cassette responsive to movement of the cassette relative to an automated banking machine, wherein the cassette includes at least one media compartment, wherein the guide is operative to direct media to at least one media compartment, wherein the cassette, while in an automated banking machine, is operative to receive media directed therein by the guide, and wherein the guide is operative to be locked and unlocked.

64. The method according to claim 63 wherein the guide is automatically placed in a locked condition during removal of the cassette from an automated banking machine, wherein the guide is automatically placed in an unlocked condition during insertion of the cassette into an automated banking machine, wherein (a) includes automatically changing the locking status of the compartment guide during one of removal or insertion of the cassette relative to an automated banking machine.
65. The method according to claim 64 and further including
- (b) subsequent to (a), automatically changing the locking status of the compartment guide during the other of removal or insertion of the cassette relative to an automated banking machine.

(ix)

EVIDENCE APPENDIX

(None)

(x)

RELATED PROCEEDINGS APPENDIX

(None)